

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Amherst Building Co. LLC, c/o Blair Whitham

Date application filed with the Town Clerk: May 19, 2006

Nature of request: A Special Permit to create three flag lots accessed by a common driveway, under Section 6.3 of the Zoning Bylaw

Address: Leverett Road, across from 207 Leverett Road (Map 3A, Parcel 5, R-O Zoning District)

Legal notice: Published on May 24 and May 31, 2006 in the Daily Hampshire Gazette and sent to abutters on May 21, 2006

Board members: Tom Simpson, Ted Rising and Barbara Ford

Submissions: The petitioner submitted two plans of the land:

- A "Subdivision Approval not Required" plan of the parcel showing seven lots, three of which are proposed as flag lots, drawn by Harold L. Eaton and Associates, dated May 18, 2006
- A site plan drawn by MacLeay Associates, Inc. showing the delineated wetlands and buffer zones, the existing and proposed contours, the shared driveway and the proposed house locations, dated May 17, 2006
- A letter from Blair Whitham, partner in Amherst Building Company, requesting that the application be withdrawn without prejudice, received June 5, 2006

The Town Conservation Department sent an email to the Board dated May 31, 2006 stating that the Conservation Commission has not closed the wetlands hearing on the site. The Natural Heritage and Endangered Species Program of the State DEP has requested more information since the parcel falls within the estimated habitat of rare/endangered species.

Site Visit: None

Public Hearing: June 8, 2006

Board Chair Tom Simpson read the letter aloud from Blair Whitham, partner in Amherst Building Company, requesting that the application be withdrawn without prejudice, due to the request for additional information from the Natural Heritage which has delayed the applicant's efforts to finalize the wetlands hearing with the Conservation Commission.

Zoning Board Decision:

Mr. Simpson made a motion to approve the Amherst Building Company's request to withdraw without prejudice the Special Permit application for three flag lots on Leverett Road. Mr. Rising seconded the motion.

The Board VOTED UNANIMOUSLY to approve the applicant's request to WITHDRAW WITHOUT PREJUDICE the Special Permit application for three flag lots on the premises owned by Amherst Building Company, LLC at Leverett Road, across from 207 Leverett Road (Map 3A, Parcel 5, R-O Zoning District.

TOM SIMPSON

TED RISING

BARBARA FORD

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.
NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.